

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 21-23, 25-28 and 30 were pending in this application when last examined.

Claims 21-23 were withdrawn as non-elected subject matter.

Claims 25-28 and 30 were examined on the merits and stand rejected.

Claim 25 has been replaced with new claim 34 that better reflects and conforms to the elected invention and US claim form for antecedent basis. Support can be found in the disclosure, for example, at page 3, lines 15-20, page 6, lines 18-29, page 7, lines 1-13, all of page 8, and claim 25.

Accordingly, claim 25 has been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional on any cancelled subject matter (alone none is believed to be).

The remaining claims have been amended to change their dependencies and/or to correct antecedent basis issues.

No new matter has been added by the above claim amendments.

Attached is a revised Abstract to replace the Abstract of record. The revised Abstract better reflects and conforms to the elected/examined invention and U.S. practice. Support can be found in the disclosure, for example, in original claim 25. No new matter has been added.

The specification is amended to include a Sequence Listing in paper copy and computer readable form (CRF) for the sequences recited in the disclosure. The specification has also been amended to include SEQ ID NOS where appropriate. Support for the amendments and the Sequence Listing can be found in the originally filed application. No new matter has been added by this amendment.

Applicants thank the Examiner for the careful examination of this case and respectfully request reexamination and reconsideration of the case, as amended. Below Applicants address the rejections in the Office Action and explain why the rejections are not applicable to the pending claims as amended.

II. OBJECTION TO THE OATH/DECLARATION

The Declaration was objected has being defective on the basis that the inventor, Edvard Smith, changed his address without initialing next to the change. See item 2 on page 3 of the Office Action.

Accordingly, it appears that it is only with respect to Edvard Smith that the original declaration is faulty.

Rather than resubmitting the declaration with the inventor's initials next to the change in address, Applicants have attached herewith a new declaration signed by Edvard Smith showing his new address. It is noted that only Edvard Smith has signed the new declaration, as the other inventor, Lars Branden, already correctly signed the declaration submitted to the Patent Office on March 21, 2005. Nonetheless, enclosed is another copy of the declaration submitted on March 21, 2005 for the Office's convenience.

Thus, it is believed that the oath/declaration now complies with 37 C.F.R. § 1.67(a) and § 1.52(c).

III. OBJECTION TO THE ABSTRACT

The Abstract was objected to for the reasons in item 3 on pages 3-4 of the Office Action.

The present amendment overcomes this objection. Specifically, the specification is amended to replace the Abstract of record with the attached revised Abstract that better reflects and conforms to the elected claims and U.S. form.

IV. OBJECTION TO THE SPECIFICATION/SEQUENCE LISTING

The specification was objected to for the reasons in item 4 on page 4 of the Action.

The present amendment overcomes this objection.

Specifically, Applicants have amended the specification to include a Sequence Listing in paper copy and computer readable form (CRF) as required by 37 C.F.R. § 1.821(c) and (e). The specification has also been amended to insert SEQ ID NOS where appropriate. The paper copy and CRF of the Sequence Listing are the same and no new matter has been added. The Sequence Listing was generated to include the sequences found in the originally filed application using PatentIn version 3.5 (September 2007). The CRF of Sequence Listing was run through Checker Version 4.4.0 (October 25, 2005) and no errors were found.

It is respectfully submitted that the application now complies with the Sequence Rules under 37 C.F.R. §§ 1.821-1.825. Therefore, the above-noted objection should be withdrawn.

V. INDEFINITENESS REJECTIONS

Claims 25-28 and 30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons in items 6-30 on pages 4-8 of the Office Action.

This rejection is respectfully traversed. It is respectfully submitted that the present amendment overcomes this rejection as the claims have been amended to provide consistency and antecedent basis throughout.

With respect to the Office's concerns in items 7-9,
please the disclosure at page 7, lines 2-13, states:

When the biomolecular complex comprises more than two functional elements, these are attached to binding elements corresponding to specific targets or parts of targets, optionally separated by further linkers / spacers. This complex can be illustrated by



wherein n and m are integers, and where m may be equal to n, but frequently is equal to n - 1. The subscript x means that the functional entities and binding entities may be characterised by different functionalities or binding properties, respectively.

An embodiment of the present invention is a biomolecular complex comprising at least two functional elements (FE₁, FE₂ etc.) attached to target areas (T) through binding elements (BE), wherein each FE is attached to a specific BE, said BE exhibiting selectivity for a specific target molecule / target area or a part thereof, and the target molecules / target areas being separated from each other by a linker having a pre-determined physical property.
[Emphasis added.]

See also the disclosure, at page 4, lines 1-5, which states:

Fig. 1 shows schematically two biomolecules or functional entities, FE₁ and FE₂, connected to target areas T₁ and T₂ through binding elements BE₁ and BE₂.
The distance between the functional entities and/or their orientation is determined by the rigid linker L and the optional linkers l₁ and l₂. The linker L may further comprise a marker (not shown). [Emphasis added.]

Based on such disclosure, it is respectfully submitted the skilled artisan would clearly understand the term "each FE" in line 4 of claim 25 to mean each functional element (FE₁, FE₂, .

. . . FE_n) is attached to specific binding element. Thus, this understanding clarifies the Office's concern in item 7 on page 4 of the Action. Moreover, it is noted that new claim 35 clearly reflects this understanding of the claimed method.

As to item 10, note claim 35 properly recites "said first and second linkers" to provide antecedent basis.

As to item 11, note that step (d) in claim 35 clarifies that each of said separate stock solutions comprises the linker molecules.

As to item 12, note that step (e) of new claim 35 clarifies that the at least binding element is from step (c).

As to item 13, note that step (f) of new claim 35 clarifies that the at least binding element is from step (c).

As to item 14, note that step (g) of new claim 35 clarifies that the repeating is done for each of said first and second functional elements.

As to items 15-16, note that steps (h) and (i) of new claim 35 clarify that each linker molecule is from step (d).

As to item 17, it is respectfully submitted that new claim 35 makes it clear how the library of combinations can form.

As to item 18, note that new claim 34 and old claim 26 have been revised to replace the term "entity" with "element" to provide consistency throughout the claim.

As to item 19, note that new claim 34 and old claim 26 have been revised to provide a step of producing said biomolecular complex.

As to claim 26, it is submitted that this claim has been revised to provide proper antecedent basis throughout along the lines discussed above for new claim 35.

The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

VI. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any

additional fees required under 37 C.F.R. § 1.16 or under 37
C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Jay F. Williams, Reg. No. 48,036
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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APPENDIX:

The Appendix includes the following item(s):

- executed Oath/Declaration
- a new or amended Abstract of the Disclosure
- Sequence Listing in paper and computer readable form